



16 MAR 2004

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Michael R. Long  
Price, Heneveld, Cooper, DeWitt & Litton  
695 Kenmoor SE  
PO Box 2567  
Grand Rapids, Michigan 49051

In re Application of :  
GROSS et al. :  
Application No.: 10/031,669 :  
PCT No.: PCT/EP01/05514 :  
Int. Filing Date: 15 May 2001 : DECISION ON PETITION  
Priority Date: 17 May 2000 :  
Attorney Docket No.: QUE04P310 :  
For: DEVICE FOR CUTTING A STACK  
CONSISTING OF SHEET-TYPE  
MATERIALS

This is a decision on applicants' "Renewed Petition under 37 CFR 1.181" filed 26 February 2004. No petition fee is required. In a decision dated 27 January 2004, applicants' petition to withdraw holding of abandoned under 37 CFR 1.181 was granted, however, the declaration filed with the petition was not in compliance with 37 CFR 1.497.

On 15 May 2001, applicants filed international application PCT/EP01/05514 which claimed a priority date of 17 May 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 November 2001. A Demand was filed for International Preliminary Examination prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 22 September 2001.

On 17 January 2002, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; a preliminary amendment; and an unexecuted declaration.

On 29 January 2003, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 07 November 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 29 January 2003 within the time period set therein.

On 14 November 2003, applicants filed a petition which was accompanied, among other things: a copy of the declaration/power of attorney filed 31 March 2003 and a post card receipt dated 31 March 2003. In a decision dated 27 January 2004, applicants' petition to withdraw the holding of abandonment was granted, however, the declaration filed with the petition was defective.

The declaration filed on 26 February 2004 is in compliance with 37 CFR 1.497(a) and (b). The application has an international filing date of 15 May 2001 under 35 U.S.C. 363 and a date of **26 February 2004** under 35 U.S.C. 371(c). Applicants' Renewed Petition under 37 CFR 1.181 is dismissed as moot and the declaration filed 26 February 2004 is accepted.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (703) 308-6314  
Fax: (703) 308-6459